



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of

MacLEAN et al

Atty. Ref.: 620-73

TECH CENTER 1600/2900

Serial No. 08/776,350

Group: 1642

Filed: April 18, 1997

Examiner: Ungar

For: TREATMENT OF CANCER USING HSV MUTANT

\* \* \* \* \*

November 20, 2002

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**AMENDMENT**

Responsive to the Official Action dated May 20, 2002, entry and consideration of the following amendments and remarks are requested; the period for response having been extended up to and including November 20, 2002, by submission of the requisite petition and fee, attached.

**IN THE CLAIMS**

Amend the claims as follows.

Cancel claims 46, 48, 49 and 50, without prejudice.

43. (Three Times Amended) A method of treating a metastatic tumour which occurs in but does not originate from the central nervous system of a human comprising intratumoral or intracranial injection of an avirulent herpes simplex virus type I (HSV-1), said avirulent HSV-1 comprising a non-functional gene, wherein said non-functional

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